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**Amendments to the Drawing(s):**

The attached sheet of drawing includes changes to Figure 1. This sheet, which includes Figures 1-3, replaces the original sheet including Figures 1-3. In Figure 1, elements 17 and 25 have been added.

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**REMARKS**

In the Non-Final Office Action of March 8, 2006, claims 1-22 are pending. Claims 12, 14, and 16-22 are withdrawn. Claims 1 and 15 are independent claims. All other remaining claims depend from claim 1. Claims 1, 6, and 15 are herein amended. Claims 23-26 are newly added. Also, note that a corrected drawing page is submitted herewith having amended Figure 1 showing numerical designators "17" and "25".

Claim 6 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office Action states that claim 6 lacks antecedent basis for "said at least one protection element." Claim 6 is herein amended to depend from claim 5 for which antecedent basis is provided for the stated limitation.

Claims 1-4, 9-11, 13, and 15 stand rejected under 35 U.S.C. 102(b) as being anticipated by Spiro et al. (U.S. Pat. No. 3,185,197).

Amended claim 1 recites a sectioning apparatus for a form-fitting cover of an object. The apparatus includes multiple material coupling members and a separating assembly. The material coupling members attach to a portion of the form-fitting cover. A separating assembly is coupled to the material coupling members and is separable into multiple separation mating members. The separating assembly is configured to separate the form-fitting cover into sections. The material coupling members and the separating assembly attach to the form-fitting cover along an intended seam area of the form-fitting cover.

Spiro discloses a modular protective cover, which is formed of a flexible material 13. The protective cover is formed of panels 11. The panels 11 may be of different sizes and are manufactured prior to placement. Forethought and planning is required prior to the covering of a console by the cover. The size, number, and arrangement of the panels 11 must be determined prior to forming the cover. Also, in Spiro the belts or Velcro Fasteners™ 15, 17 are attached on opposite sides of the panels prior to the formation of the cover.

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The protective cover of Spiro is substantially different than the sectioning apparatus claimed. One clearly distinct feature is that the claimed apparatus in use is attached to a cover after the cover has been formed. Such is recited in the limitations of: A) material cover members that attach to a form-fitting cover; B) a separating assembly that is configured to separate the form-fitting cover into sections; and C) material coupling members and a separating assembly that attach along an intended seam area. The claimed invention allows for the separation of a material cover into sections post formation of that cover, as well as post application of that cover to or on an object. As stated in the specification, the separation mating members when separated reveal an intended seam area the cover, which can then be cut to create an opening for access to the object. Applicant understands that limitations from the specification ought not to be read into the claims. However, the claims ought to be read in view of the specification. Also, the claimed limitations allow for the stated features. Although the panels 11 of Spiro can be separated to provide access to a console, they form the cover and are not attached to a cover. Since the panels are not attached to a cover, they do not allow for the separation or opening of a cover.

Amended claim 15 recites similar limitations as that of claim and is directed to an object cover assembly. The assembly includes a form-fitting cover and a sectioning apparatus. The sectioning apparatus has multiple material coupling members, with a common application side, that are coupled to the form-fitting cover via the common application side. The sectioning apparatus also includes a separating assembly that is coupled to the material coupling members and is separable into overlapping separating assembly elements. The separating assembly is separable to reveal a seam area of the form-fitting cover.

As stated above, Spiro fails to teach or suggest a sectioning apparatus, which separates a cover into sections. Spiro also fails to teach or suggest a sectioning apparatus that has coupling members with a common application side. The belts 15, 17 are attached on opposite sides of the panels 11. The present invention, in having a common application side, allows for easy application of

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the sectioning apparatus to a single side of a cover. This eliminates the need for applying, for example, a hook member to a first side of a cover and a loop member to a second or opposite side of that cover. Besides, the belts 15, 17 of Spiro are attached to cover panels and not to a sectioning apparatus that is attached to a cover.

Furthermore, the panels 11 of Spiro are not separable to reveal an intended seam area of a cover. Separation of the panels 11 reveals the console recited in Spiro not a cover.

Moreover, claims 1 and 15 recite the attachment to and/or the inclusion of a form-fitting cover. Spiro fails to teach, suggest, or disclose such a cover. The Office Action states that this feature is inherent. Applicant, respectfully, traverses. In Spiro, it is stated that the cover material 13 is flexible and vinyl. A cover material may be flexible and be formed of vinyl and not be form-fitting or heat shrinkable. Also, the cover material in Spiro is flexible to allow for ease in attaching the panels and in covering a console. No desire in Spiro is stated or suggested that the panels 11 form fit the console or that they can be heated to form fit the console. Applicant can only assume that the Examiner is taking Official Notice in this respect without the required concrete evidence to support such Notice or is using improper hindsight reasoning in view of the present application.

Referring to MPEP 2144.03, Office Notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. The notice of facts beyond the record, which may be taken by the Examiner, must be "capable of such instant and unquestionable demonstration as to defy dispute." *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant submits that the limitations in question are not capable of such instant and unquestionable demonstration as to defy dispute. Specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard

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in the pertinent art. *Id.* at 1091, 165 USPQ at 420-21. Any facts so noticed should be of notorious character and serve only to "fill in the gaps" in an insubstantial manner. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection was based. *Zurko*, 258 F.3d at 1386, 59USPQ2d at 1697 (Fed. Cir. 2001). The facts constituting the state of the art are normally subject to the possibility of rational disagreement among reasonable men and are not amendable to the taking of such notice. *In re Eynde*, 480 F.2d 1364, 1370, 178 USPQ 470, 474 (CCPA 1973). Ordinarily, there must be some form of evidence in the record to support an assertion of common knowledge. General conclusions concerning what is "basic knowledge" or "common sense" to one of ordinary skill in the art without specific factual findings and some concrete evidence in the record to support these findings will not support an obviousness rejection. *Lee*, 277 F.3d at 1344-45, 61 USPQ2d at 1434-35 (Fed. Cir. 2002).

The Examiner must provide specific technical and scientific reasoning to support her conclusions of common knowledge. *In re Soli*, 317 F.2d at 946, 37 USPQ at 801 (CCPA 1963). Applicant submits that no specific factual findings or concrete evidence has been put forth nor has any specific technical reasoning been put forth to support the Official Notice taken. To simply state that it is inherent that a cover be form-fitting without support for the stated limitation is irrelevant and is not a proper or valid argument that can be used against the Applicant. Also, if the Applicant challenges a factual assertion as not properly officially noticed or not properly based upon common knowledge, the Examiner must support the finding with adequate evidence. See 37 CFR 1.104(c)(2). Again Applicant submits that no such evidence has been provided to support a teaching or suggestion of the claimed elements.

Applicant is aware that hindsight reasoning is proper so long as it takes into account only knowledge which was within the level of ordinary skill at the time of the claimed invention was made and does not include knowledge gleaned only from the Applicant's disclosure. Applicant believes that to arrive at

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a conclusion of obviousness, especially in view of the above relied upon reference, can only be made through the gleaning of knowledge from Applicant's disclosure.

In order for a reference to anticipate a claim the reference must teach or suggest each and every element of that claim, see MPEP 2131 and *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628. Thus, since Spiro fails to teach or suggest each and every element of claims 1 and 15 they are novel, nonobvious, and are in a condition for allowance. Also, since claims 2-4, 9-11, 13, and 23-26 depend from claim 1, they too are novel, nonobvious, and are in a condition for allowance for at least the same reasons.

Claims 5 and 6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the reference as applied to claim 1 above, and further in view of Ware (U.S. Pat. No. 3,202,193).

Applicant submits that since claims 5 and 6 depend from claim 1, that they too are novel, nonobvious, and are in a condition for allowance for at least the same reasons. Applicants note that Ware, like Spiro, also fails to disclose a sectioning apparatus that is attached to a cover, as claimed. Ware discloses a protective cover formed of bags. The bags are attached to each other using double-sided tape. Forethought and planning on the use, size, and placement of the bags and the size and shape of the object to cover is required prior to forming the cover. This is clearly unlike the present invention, which is used to section one (single) large piece of material. Note also that the present invention allows for the placement of a cover over an object prior to sectioning. The covers of Spiro and Ware do not provide such benefits.

Claim 7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the reference as applied to claim 1 above, and further in view of Dilnik et al. (U.S. Pat. No. 6,406,468 B1).

Applicant submits that since claim 7 depends from claim 1 that it too is novel, nonobvious, and is in a condition for allowance for at least the same reasons. Dilnik simply discloses tape for diapers or for the hanging of test

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samples. The tape is not designed for the attachment of seam sections of a material cover and clearly does not provide the features claimed and the benefits thereof.

Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the reference as applied to claim 1 above, and further in view of De Woskin (U.S. Pat. No. 4,633,568 B1).

Applicant submits that since claim 8 depends from claim 1 that it too is novel, nonobvious, and is in a condition for allowance for at least the same reasons. De Woskin discloses apparel fasteners. The Office Action states that it is well known that hook and fastener material is packaged in rolls. Applicant submits that this is irrelevant and regardless of whether this is true, the formation of a sectioning apparatus as claimed in the form of a tape is not known or suggested in any of the relied upon references. Besides, De Woskin only discloses that the Velcro™ in its initial form is a tape. The Velcro™ is attached to a base strip and then segmented. The combination of the Velcro™ and the base strip is not in the form of tape nor are the segmented portions thereof.

Referring to MPEP 706.02(j) and 2143, to establish a *prima facie* case of obviousness the prior art reference(s) must teach or suggest all the claim limitations, see *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Thus, since Spiro, Ware, Dilnik, and De Woskin alone or in combination fail to teach or suggest each and every element of claims 5-8, Applicant submits that claim 5-8 are novel, nonobvious, and are in a condition for allowance. There has not been put forth any motivation or suggestion to combine and modify the stated references, as needed, to arrive at the claimed invention.

In light of the amendments and remarks, Applicant submits that all the objections and rejections are now overcome. The Applicant has added no new matter to the application by these amendments. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments, she is respectfully requested to call the undersigned attorney.

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The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account No. 50-0476.

Respectfully submitted,

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